

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALTRUIS GROUP, LLC,

Plaintiff,
-vs-

PROSIGHT SPECIALTY
MANAGEMENT COMPANY, INC.,
NEW YORK MARINE AND
GENERAL INSURANCE COMPANY
and GOTHAM INSURANCE
COMPANY,

Defendants.

Civil Action No.: 1:21-cv-10757-MKV

**AFFIDAVIT OF
TIMOTHY M. JABBOUR**

Timothy M. Jabbour, an attorney admitted to practice before this Court pro hac vice hereby declares the following:

1. I am a partner at Tressler, LLP, attorneys for Plaintiff Altruis Group, LLC in the above captioned matter and have personal knowledge as to the contents of this affidavit.
2. I provide this affidavit in connection with Plaintiffs' Response to this Court's Order to Show Cause [ECF No. 99] why Plaintiff should not be sanctioned.
3. Following receipt of this Court's Order to Show Cause dated December 16, 2021, a specific inquiry was made to Altruis Group, LLC requesting that it identify its members.
4. On December 16, 2021, Altruis advised that Altruis Group, LLC had four members: Mr. Joseph J. Beneducci, Sr.; Mr. Joseph Beneducci, IV.; Mr. Jason Beneducci; and Mr. Jared Beneducci, all of whom were, and continue to be, citizens of Florida.

5. Plaintiff filed a Second Amended Complaint alleging that diversity of citizenship existed because Plaintiff, Altruis Group, LLC and its members are citizens of Florida and Defendants are citizens of New York. [ECF No. 28]

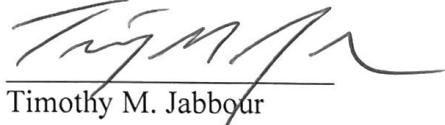
6. Altruis Group's principals and Altruis' counsel, to their core, premise all their conduct on being completely forthright and honest. It was never Plaintiff or Plaintiff's counsel's intention to mislead or deceive the Court.

7. At the deposition of Joseph Beneducci, Sr. taken on January 5, 2023, Mr. Beneducci testified that the sole member of Altruis Group, LLC was the Beneducci Family Legacy Trust. (See Excerpts of Deposition Testimony of Joseph Beneducci, Sr. attached hereto as Exhibit "A" at 27:9-14). Mr. Beneducci testified further that the Beneducci Family Legacy Trust owned Altruis Group, LLC and that he was the representative running it. See, Exhibit A at 27:1-7.

8. In response to Defendants' questioning, Mr. Beneducci also testified at deposition that the trustees of the Beneducci Family Trust were Mr. Beneducci and his attorney, Mr. Raftery. See Exhibit A at 28:2-6.

9. Plaintiffs became aware that Defendants had concern regarding a lack of visibility into the structure of the Beneducci family trust or the relationship between that trust to the LLC on July 31, 2023 in connection with the parties' preparation of the Proposed Joint Pre-Trial Order.

Dated: August 9, 2023



Timothy M. Jabbour

Sworn and subscribed before
Me on this 9th day of August 2023



Karen S. DiSario
Notary Public Attorney At Law
State of NJ
Bar ID 026682002

EXHIBIT A

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3 CIVIL ACTION NO. 1:21-cv-10757-MKV

4 ALTRUIS GROUP, LLC,

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7 PROSIGHT SPECIALTY MANAGEMENT
8 COMPANY, INC., NEW YORK MARINE
9 AND GENERAL INSURANCE COMPANY,
10 and GOTHAM INSURANCE COMPANY,

11 Defendants.

12 /

13 Nelson Mullins
14 360 S Rosemary Avenue
15 Suite 1410
16 West Palm Beach, Florida
17 Thursday, 9:04 a.m.-5:27 p.m.
18 January 5, 2023

19 VIDEOTAPED DEPOSITION OF JOSEPH BENEDUCCI, SR.

20 Taken on Behalf of the Defendants before
21 Lisa Gerlach, FPR, Notary Public in and for
22 the State of Florida at Large, pursuant to
23 Notice of Taking Deposition in the above
24 cause.

<p style="text-align: right;">Page 26</p> <p>1 MR. JABBOUR: Objection to form. 2 A. -- not to manage the data. 3 BY MR. LOTERSTEIN: 4 Q. To store your data? 5 A. You asked to store the data. 6 Q. Okay. You had a shared drive to store your 7 data. 8 What data did you store on the shared drive? 9 A. Anything that was taking place with Altruis 10 Group needs to be kept somewhere on a computer. If 11 your question is, are you placing it on a variety of 12 computers and a variety of storage places, we did not 13 do that. You place it in one core area and you have a 14 backup capability for all that information. 15 Q. Where is the one core area where you stored 16 that information? 17 A. Amazon Services. 18 MR. JABBOUR: Objection to form. 19 BY MR. LOTERSTEIN: 20 Q. In a particular drive, a cloud drive? 21 A. I have no idea. It's the memory being kept 22 by a very professional entity. 23 Q. Okay. Altruis is an LLC; correct? 24 A. Yes. 25 Q. Does Altruis have more than one member?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I'm not clear on your question. 2 Q. Let me take a step back. Who is the trustee 3 for the Beneducci Family Trust? 4 A. Myself and my attorney. 5 Q. Who is your attorney? 6 A. Mr. Raftery. 7 Q. Is he at Dentons? 8 A. Yes, he is. How did you know that? 9 Q. I've seen his name on documents. 10 A. Okay. 11 Q. I could tell you I know all of the lawyers, 12 but I don't think you'd believe me. 13 A. There are quite a few of them. You have a 14 very good memory then. Hope you never have 15 glioblastoma. 16 Q. I hope so too, Mr. Beneducci. 17 So the trustee for the trust is you and your 18 attorney; correct? 19 A. Yes. 20 Q. Who are the beneficiaries of the trust? 21 A. The Beneducci family. My wife first and then 22 my sons. 23 Quick question. We are going to get a chance 24 to start talking about the business; right? I just 25 want to make sure of that.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. One member for what? 2 Q. The LLC. Who has the membership interest in 3 Altruis? 4 MR. JABBOUR: Objection to form. 5 Go ahead. 6 A. I own the entity. That being said, my trust 7 owns the entity and I'm the representative running it. 8 BY MR. LOTERSTEIN: 9 Q. Okay. Explain that structure to me. 10 A. Beneducci Family Trust is the entity that 11 owns the Altruis Group. 12 Q. So the Beneducci Family Trust is the 13 100 percent owner? 14 A. Correct. 15 Q. So all of the membership interests in the 16 Altruis Group, LLC are owned by the Beneducci Family 17 Trust? 18 A. Correct. 19 Q. So your sons are not members of Altruis 20 Group; is that right? 21 MR. JABBOUR: Objection to form. 22 A. They do not -- they are not. 23 BY MR. LOTERSTEIN: 24 Q. What is the situs of the Beneducci Family 25 Trust?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Mr. Beneducci, I'm going to conduct the 2 deposition in the way I'd like to conduct the 3 deposition. 4 A. You certainly can. I just -- 5 (Overspeaking.) 6 MR. JABBOUR: -- the witness. 7 MR. LOTERSTEIN: I'm not. I will conduct 8 the deposition in the order that I'd like to 9 conduct it. 10 THE WITNESS: Which you should. It's a 11 simple question. I'm just curious -- 12 BY MR. LOTERSTEIN: 13 Q. We'll get there. 14 A. Good. That was the question. 15 Q. Has the Beneducci Family Trust been the 16 100 percent owner of Altruis Group since Altruis's 17 inception? 18 MR. JABBOUR: Objection to form. 19 You can answer. 20 A. With all entities, they have to be 21 constructed and developed. I presume that is exactly 22 how we did it. It may be 100 percent or it may be 23 99 percent with me with 1 percent. But, yes, yes, 24 that was the intent. 25 BY MR. LOTERSTEIN:</p>